IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 4188 of 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE JAYANT PATEL

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KARSANDAS MADHAVJI POPAT - Petitioner(s)
Versus
COMPETENT AUTHORITY AND ADDITIONAL COLLECTOR (ULC) & 1 - Respondent(s)

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Appearance :

MR JR NANAVATI for Petitioner(s) : 1,
MR SATYAM CHHAYA, AGP for Respondent(s) : 1 - 2.

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CORAM : HONOURABLE MR.JUSTICE JAYANT PATEL

Date : 29/01/2007

ORAL JUDGMENT

1. The short facts of the case are that the petitioner applied for permission by giving

notice to the authority under Urban Land (Ceiling and Regulations) Act, 1976 (hereinafter referred to as “the ULC Act”) for contemplating the transfer/sale of final Plot Nos.60 and 61, which as per the petitioner, were granted to him in the T.P. Scheme in lieu of the Plot Nos.24 and 25. It appears that on 11.12.1995, the competent Authority under ULC Act intimated to the petitioner that the notice/permission cannot be granted since the Final Plot allotted is different and the possession was also taken over. The petitioner carried the matter in revision before the State Government, and as per the petitioner, no decision was rendered and at that stage, the petition was preferred by the petitioner.

2. Upon hearing Mr.Nanavati, learned Counsel for the petitioner and Mr.Chhaya, learned AGP for the State, it appears that the petition has become infructuous by afflux of time inasmuch as pending the petition, Urban Land (Ceiling and Regulations) Repeal Act, 1999 (hereinafter referred to as “the Repeal Act”) has come into

force and by the Repeal Act, the ULC Act of 1976 is repealed so far as it relates to the permission/notice under Section 26 of the Act.

3. Under the above circumstances, in view of the Repeal Act, there is no question of grant of permission or to deal with the notice under Section 26 of the ULC Act. Hence, the petition is disposed of as having become infructuous in view of the Repeal Act. Disposed of accordingly. Rule discharged.

29.1.2007 **(Jayant Patel, J.)**

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